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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,612	01/24/2002	David W. Pipes	1670-233	6158
6449	7590	11/02/2004	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005			CEPERLEY, MARY	
			ART UNIT	PAPER NUMBER
			1641	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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10/29/2004

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

See the attached letter.

Mary (Molly) E. Ceperley  
Primary Examiner  
Art Unit: 1641

Art Unit: 1641

**1)** The reply filed on August 16, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Newly amended claims 27-31 are directed to an invention that is independent or distinct from the invention originally elected and examined for the following reasons:

The restriction requirement of January 07, 2004 set forth two patentably distinct inventions, i.e. Invention I, directed to a kit comprised of "stannous ion", "an anion" and "carbon monoxide" and Invention II, directed to a kit comprised of "stannous ion", "an anion" and "a metal" (Mn, Re or Tc). As pointed out in paragraph **2)** of the restriction requirement, the patentability of the kits is based on the particular combination of well known ingredients. In the response of January 20, 2004, applicant elected Invention II without traverse and an action on the merits of Invention II was mailed on March 16, 2004. The particular combination of "metal", "stannous ion", "anion" and "carbon monoxide" of newly amended claim 27 was presented originally in claim 26 which was part of non-elected Invention I.

Since applicant has received an action on the merits for the originally presented and elected invention, i.e. Invention II, a kit comprised of "stannous ion", "an anion" and "a metal" (Mn, Tc or Re), this invention has been constructively elected by original presentation for prosecution on the merits. See 37 CFR 1.142(b) and MPEP § 821.03. No claims to the elected invention are currently pending in this application.

Claims directed to the elected invention must be reinstated.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

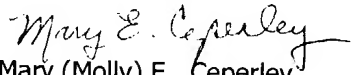
Art Unit: 1641

**2)** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary (Molly) E. Ceperley whose telephone number is (571) 272-0813. The examiner can normally be reached from 8 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le, can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 29, 2004

  
Mary (Molly) E. Ceperley  
Primary Examiner  
Art Unit 1641